IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE D.S.R.VARMA**

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**WRIT PETITION NO : 29123 of 1995**

Between:

Manufacturers of Kirlampudi Sugar Mills Ltd,

Rep.by its General Manager, K.S.R.Kameshwara Rao,
Pittapuram.

**..... PETITIONER**

AND

1. The Arbitrator And Joint Commissioner Of Labour,
   Govt.of A.P, Hyderabad.
2. Kirlumpudi Sugar Mills Staff & Workers Union,

Regd.No.G-168, Rep.by its President, V.Subba Rao,
Pithapuram.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or Writ in the nature of Writ of Certiorari, call for the records pertaining to Arbitration Case No.22463/93, dated 31-7-95 on the file of the 1st respondent and quash the Award in Arbitration Case No.22463/93, dated 31-7-95.

**Counsel for the Petitioner: MR.V.VISWANATHAM**

**Counsel for the Respondent No.1: GP FOR LABOUR**

**Counsel for the Respondent No.2: Mr. E. Madan Mohan Rao**

**The Court made the following**

ORAL ORDER:

Heard both sides.

2. The Award in Arbitration Case No.22463 of 1994, dated 31-07-1995, passed by the Arbitrator, is under challenge in the present writ petition.

3. The petitioner is the Management of Kirlampudi Sugar Mills Limited, Pittapuram, the first respondent is the Arbitrator and the second respondent is the Staff and Workers Union.

4. For the sake of convenience, the petitioner, the first respondent and second respondent will be referred to as “the Management, the Arbitrator and the Workers Union” respectively.

5. It could be seen from the affidavit, filed in support of the writ petition, that the Management is a Limited Company involved in manufacturing of sugar by crushing sugar cane. The III Wage Board for Sugar Industry made certain recommendations. Basing on such

recommendations, the Management entered into an agreement with the Workers Union on 25-02-1990 under Section 18 (1) of the Industrial Disputes Act, 1947,

(for brevity “the Act”) with regard to certain items. Subsequently, in response to the strike notice by the workmen, some other settlements have also been arrived at under Section 18 (1) of the Act. It was further agreed by both the Management and the Workers Union to refer the matter to an Arbitrator and accordingly a request was made by them to the Government. In response to said request, the Government has appointed an Arbitrator and the Arbitrator having gone into the merits of the case, elaborately dealt with the matter, and passed the impugned Award with certain directions. Some of the directions are to the effect that:

i) Neutralization shall be at Rs.1.85 ps. with effect from 01-07-1993.

i i ) There shall not be a deduction of 10% wages insofar as casual/temporary/apprentices on reclassification into several other categories.

iii. House Rent Allowance is payable to the seasonal permanent workmen.

iv. A direction to the Management to restore the *status quo* anti to the date of reference of the dispute i.e.,
13-08-1993 i.e., the date of which G.O.Rt.No.1623 of W.D. and Child Welfare (Lab.I) Department was issued.

6. The above were certain directions issued in favour of the workmen and some other issues were not decided for different reasons. The said reasons are, as either not maintainable, or cannot be gone into by the Arbitrator.

7. A perusal of the impugned Award, which is voluminous, but if the same is browsed through,

I only feel that the entire gamut of the dispute had been categorically and meticulously gone into after considering the entire evidence on

record.

8. Hence, I do not find any illegality or irrationality in the impugned award, passed by the Arbitrator. This Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India cannot further go into the matter by reappraising the whole evidence on record unless there are apparent reasons on the face of the record.

9. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

10. Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

11. The interim suspension granted by this Court in W.P.M.P.No.35966 of 1995, dated 26-12-1995, is hereby vacated.

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D.S.R. VARMA, J

29TH OCTOBER 2004

**ISN**/KRK

To

1. The Arbitrator And Joint Commissioner Of Labour, Govt. of A.P, Hyderabad.
2. The General Manager, Kirlampudi Sugar Mills Ltd, Pittapuram.
3. The President, Kirlumpudi Sugar Mills Staff & Workers Union,

Regd.No.G-168, Pithapuram.

4. Two CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT).

5. Two CD copies

THE HONOURABLE SRI JUSTICE D.S.R. VARMA

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29TH OCTOBER 2004